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TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H03-0260-24 **Date of Decision:** 4th November 2024
Applicant: Mr L Cunningham
Blue Bell Inn
Main Road
Hop Pole
Spalding
PE11 3HL
Location: Blue Bell Inn Main Road Hop Pole Spalding
Description: Redevelopment of site to include demolition of a C3 residential dwelling (former Public House), erection of 4 two bedroom dwellings, 5 residential static homes, conversion and extension of village hall to provide supermarket, restaurant and associated car parking

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 The proposed development, by reason of its countryside location, would be a car dependent development within an unsustainable location. As such, it has not been satisfactorily demonstrated that the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits in compliance with with Policy 1 of the South East Lincolnshire Local Plan, 2019.
- 2 The Blue Bell Inn is a clear example of a Non-Designated Heritage Asset, being identified and listed within Lincolnshire County Council's Historic Environment Record (under reference MLI126298 - The Blue Bell, Hop Pole, Deeping St Nicholas). The proposals involve the demolition of the Non Designated Heritage Asset which would result in its total loss. As such the proposal is contrary to Policy 29 of the South East Lincolnshire Local Plan, 2019, which requires the Local Planning Authority to ensure that all proposals 'conserve and enhance' the character and appearance of Non-Designated Heritage Assets.

In addition, a historic environment assessment and evaluation (such as a heritage impact assessment), incorporating appropriate expertise, formulating the heritage impacts of the proposals and on the setting, together with detailing the significance of the Non Designated Heritage Asset, was not submitted with the application thereby contravening Paragraphs 200 and 209 of the National Planning Policy Framework, December 2023, together with Policy 29 (F) of the South East Lincolnshire Local Plan, 2019 which require that proposals identify heritage assets affected by proposals, explain the nature and degree of harm, justify the impacts of the proposal, demonstrate that all reasonable effects have been made to sustain the asset, and mitigate the extent of the harm to the significance of the heritage asset to secure its long term use.

The development is therefore contrary to Policy 29 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

- 3 The residential development hereby proposed fails to represent an appropriate form of replacement dwellings in the countryside, as permitted/required by Policy 22 of the South East Lincolnshire Local Plan, 2019.

Policy 22 requires development proposals to comply with six criteria, including that the original building is not of architectural or historic merit, stating "Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that: the residential use of the building to be replaced (the original building) has not been abandoned". The Blue Bell Inn is a Non Designated Heritage Asset.

Insufficient information has been submitted to demonstrate it is not capable of repair to ensure its retention. In addition, insufficient information has been submitted justifying that the re-positioning of the four replacement dwellings have beneficial impacts such as improving the character and appearance of the site in line with the requirements of Policy 22. The replacement buildings are also not of a high standard in terms of architectural detailing and materials of construction. In addition, the combination of residential static caravans and the 4 residential dwellings increase the number of dwellings on site rather than being a like for like replacement.

As such, the development is contrary to Policy 22 of the South East Lincolnshire Local Plan, 2019.

- 4 The proposals do not include a sequential test to demonstrate that the main town centre uses in this application cannot be accommodated in other town, settlement or edge of centre locations, which are more sustainable locations for such uses. Paragraph 91 of the National Planning Policy Framework, December 2023, states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The absence of this information means the proposals have not been justified in locational terms, and as such the proposal is situated within an unsustainable location.

The proposals do not include an impact assessment that demonstrates there are no

significant impacts on other main town centre uses in more sustainable locations within town, districts or local centres, as required by Paragraph 94 of the National Planning Policy Framework, December 2023 and Policy 24 of the South East Lincolnshire Local Plan, 2019 which sets a locally set floorspace threshold of 250 square metres for any proposals outside of Spalding town centre and district and local centre boundaries. As such the proposal may have an adverse impact on main town centre uses in more sustainable locations.

The combined floorspace of the proposals exceed the maximum threshold of the definition of a new local shop that meets the day-to-day needs of nearby residents, without the need to use a car, which limits the floor area to a maximum of 100 square metres as set out in Policy 27 C of the South East Lincolnshire Local Plan, 2019, which means the size of the proposals will attract non sustainable, car dependent trips in the surrounding catchment that results in unsustainable transport patterns. No qualitative assessment of need, also required as part of Policy 27, to remedy a geographical deficiency in the distribution of food shopping in the area has been submitted justifying the location of the use in the locality. Given the existence of the Vine House Farm Shop is within close proximity of the site, it is unlikely that such a geographical deficiency can be demonstrated.

- 5 The proposals, by reason of the lack of adequate car and cycle parking facilities, is likely to lead to an intensification of use of the site, adversely affecting vehicle generation levels to an unsustainable site, increased noise and disturbance impacting on residential amenity through increased general activity, increased comings and goings to and from the site, potentially leading to parking problems. Paragraph 108 of the National Planning Policy Framework, December 2023 states that the environmental impacts of traffic should be identified and opportunities for avoiding and mitigating any adverse effects, and for net environmental gains should be considered. Paragraph 109 of the National Planning Policy Framework, December 2023 says the planning system should actively manage patterns of growth in support of these objectives. The car parking on site is substantially below the standards of Appendix 6 of the South East Lincolnshire Local Plan, 2019, which is evidence that parking issues have not been adequately mitigated, in an unsustainable location.

As such the proposals are contrary to Policies 2, 3, 30, 31, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019 which seek to ensure that provision of facilities for the parking of cars and bicycles is adequate for access and vehicle generation, that parking spaces are fit for their intended use in terms of size and design, and that proposals do not impact on residential amenity by reason of noise disturbance.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The determined plans are:

Application Form

Location Plan

GP/05/23 Rev D

GP/02/23 Rev A

GP/03/23

GP/04/23 Rev B

GP/01/23

Planning Statement by White Planning dated 20 March 2024

Flood Risk Assessment by Flume Consulting Engineers, Job Number 1487 dated July 2024

Revised BNG Assessment Tool

BNG Assessment Report by Tunley Environmental dated 20th June 2024

Transport Note by Roberts Highway Consultants dated 23 September 2024



Phil Norman

Assistant Director - Planning and Strategic Infrastructure

South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR the **timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.